

Remarks/Arguments:

Claims 20-38 are currently pending in the application. Of these, claims 20-30 are under consideration, and claims 31-38 are presumed to be withdrawn in view of Applicant's election filed July 21, 2006. Applicant respectfully requests confirmation of the status of claims 31-38.

In the Office Action, claim 20 (referred in the Office Action as claim 1) was rejected under 35 U.S.C. § 112 on the ground that it contained language deemed to be indefinite. Claims 20, 22, 26, 27 and 29 were rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 6,173,625 ("McFarlane"). Claims 20, 21 and 27 were rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6,443,028 ("Brock"). Claims 20, 21 and 25 were rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6,520,045 ("Fukase"). Claims 23, 24 and 30 were rejected under 35 U.S.C. § 103(a) as being allegedly obvious over McFarlane in view of U.S. Patent No. 6,701,799 ("Cicotte"). Claim 28 was rejected under 35 U.S.C. § 103(a) as being allegedly obvious over McFarlane in view of U.S. Patent No. 3,691,868 ("Smith"). Lastly, claim 29 was rejected under 35 U.S.C. § 103(a) as being allegedly obvious over Fukase in view of U.S. Patent No. 6,736,233 ("Beishlein").

Applicant has carefully considered the Office Action and respectfully suggests that the claim rejections are traversed in view of Applicant's amendments and remarks herein.

Claims Rejections - 35 U.S.C. § 112

Applicant has amended claim 20 to remove the language identified in the Office Action. Applicant has also voluntarily amended claim 26 to remove the term "optionally." The removed claim language was part of the stylistic form used in Applicant's foreign priority application, and Applicant does not intend to surrender any subject matter by its removal. Applicant believes that the rejection under § 112 is now resolved.

Claim Rejections - 35 U.S.C. § 102 and § 103

Prior to discussing the prior art references, Applicant wishes to reiterate some advantages of Applicant's adjustable pedal configuration. In automobiles, the kinematics associated with brake pedals are very different from the kinematics associated with accelerator pedals. Brake pedals generally apply compressive forces, while accelerator pedals exert tensile forces. Because these kinematics are inconsistent, it is beneficial to provide an "analogous" adjustment (i.e. same travel, same direction) of both pedals. Applicant's pedal device accomplishes this with a reduced number of parts by using a swiveling mounting support connected to both the brake pedal and accelerator pedal. Looking at Applicant's Figure 3, the

mounting support swivels about its midsection, while its top and bottom sections are both free to rotate. Rotation of the top and bottom sections imparts a synchronized rotational adjustment of both the brake pedal and accelerator pedal. This is explained in further detail in Applicant's substitute specification (clean copy) on page 5, line 25 to page 6, line 5, and page 9, line 27 to page 10, line 13, among other sections.

The cited references do not disclose a swiveling support member in such a configuration. To clarify this distinction, Applicants have amended claim 20 to recite an adjustable pedal device for a motor vehicle, comprising among other features, a mounting support having a top section, a bottom section and a midsection between the top and bottom sections, the mounting support being pivoted about a first axis at the midsection, and the top and bottom sections being free to rotate about the first axis, with at least one first pedal lever pivotally mounted in the mounting support about a second axis, wherein a second pedal lever is pivotally mounted on the bottom section of the mounting support, so as to be rotatable about a fourth axis. Support for this amendment may be found in Fig. 3 of the application and in the substitute specification (clean copy) on page 9, line 27 to page 10, line 13, among other sections. The references to "top", "mid" and "bottom" are supported by similar references in the specification in conjunction with the drawings. No new matter has been added.

None of the primary references disclose a swiveling mounting support as recited in claim 20. McFarlane discloses a two different mounting supports or links (22) and (122). Link (22) does not have, among other features, a bottom section to which a second pedal lever is pivotally mounted, and does not have a first pedal lever pivotally mounted in it. Link (122) also lacks a bottom section to which a second pedal lever is pivotally mounted, lacks a top section that is free to rotate given the shaft passing through the top section, and does not have a first pedal lever pivotally mounted in it. Brock discloses first and second pedals that are separately connected to linkages, with no swiveling mounting support having a first pedal lever pivotally mounted in it. Fukase discloses a brake pedal (34) mounted on a stationary bracket (18), and an accelerator pedal (60) on a completely separate holding member (54). No swiveling mounting support is shown with a first pedal lever pivotally mounted in it.

The deficiencies noted above in the primary references are not overcome by the secondary references cited in the Office Action. For example, none of Cicotte, Smith or Beishline show a swiveling mounting support with a first pedal lever pivotally mounted in it.

Based on the foregoing, Applicants respectfully submit that amended claim 20 is allowable over the cited references. Claims 21-30 are dependent on amended claim 20 and incorporate all the elements recited in claim 20. Therefore, claims 21-30 are believed to be

allowable over the cited references for at least the same reason that claim 20 is allowable.

New Claim

Applicants have added new claim 39 which recites the adjustable pedal device of claim 20 further comprising, on the bottom section, an integral projection of unitary construction with the mounting support, the second pedal lever being directly mounted to the projection in a pivotal connection. Support for new claim 39 is provided in Figs. 1-3 and in the substitute specification (clean copy) on page 10, lines 15-19. No new matter has been added.

Conclusion

Applicants respectfully submit that the claim rejections have been traversed and that the claims are in form for allowance. If the Examiner believes that there are any outstanding issues preventing allowance of the application at this time, the Examiner is encouraged to contact the undersigned at 610-407-0700.

Respectfully submitted,



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